

CHAPTER: V <b>TECHNICAL ELIGIBILITY</b>	SECTION: 9 <b>STRIKERS</b>	COMAR: <b>07.03.03.07</b>
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## REQUIREMENTS

- A. The striker rules do not apply if the individual on strike was exempt from TCA work requirements on the day prior to the strike
- B. Participation in a strike by a member of the assistance unit may affect eligibility and the grant amount.
  - 1. If the striker is a parent, the assistance unit is ineligible
  - 2. If the striker is a child, there is no immediate effect on eligibility because the child's income is excluded, but the child may need to meet work requirements
  - 3. If the striker is a non-parent caretaker relative with no natural or adopted children in the assistance unit, only the caretaker is ineligible

**Note:** When the caretaker relative is also the parent of children in the assistance unit, the caretaker and the caretaker's natural and adopted children are ineligible. THE CASE CAN CONTINUE AS A CHILD ONLY CASE FOR THE OTHER RELATED CHILDREN WITH THE CARETAKER RELATIVE AS PAYEE.

## DEFINITION OF STRIKE

- A. The U.S. Department of Labor defines a strike as:
  - 1. A concerted stoppage of work – including stoppage due to expiration of collective bargaining agreements
  - 2. A concerted slowdown of work
  - 3. Other concerted interruption of work operations by an employee
- B. An individual is not working and is not on strike when:
  - 1. Locked out of work
  - 2. No work exists due to the strike
  - 3. Working would result in dangerous or adverse conditions

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## **DEFINITION OF A STRIKER**

- A. An individual participating in a strike on the last day of the payment month is a striker
- B. Project striker status for the end of the month based on current circumstances. Unless otherwise indicated:
  1. An applicant or customer reporting a strike is expected to remain on strike until the end of the month
  2. The individual is expected to remain on strike until the strike ends
- C. When the strike ends or the individual no longer participates, the case is again eligible:
  1. Applicant Cases
    - Use the original application date if the strike ends within 30 days of the application filing date
    - Require a new application if the strike ends more than 30 days after the original application date
  2. Customer Cases
    - Rescind the closing if the strike ends:
      - a. Before the last day of the calendar month in which it was reported
      - b. Before the last day of the month in which the adverse action expires
    - Require a new application if the strike ends after the effective date of the adverse action
      - a. Do not prorate the benefit if the new application is filed in the first non-payment month
      - b. Prorate the benefit if the application is filed after the first non-payment month

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## **WORK PROGRAM RELATED REQUIREMENTS**

- A. Participation in a strike by a customer, who is not exempt from work requirements, is not good cause for refusing employment or refusing to look for a job
  - 1. The 16 or 17-year-old child, who is on strike and is not exempt from participating in work programs, is not excused from the work requirements and is subject to sanctions for refusal to participate in another work or education program
  - 2. The 16 or 17-year-old child, who is exempt from work programs because he or she is still a full-time student, is still exempt when on strike
- B. The non-parent caretaker relative with no natural or adopted children in the grant, who receives state-funded TCA, is exempt from work requirements and remains exempt while on strike

## **VERIFICATION**

- A. Require verification or documentation when the individual is:
  - 1. Reporting that he or she is no longer on strike
  - 2. Claiming non-striker status due to lockouts, etc.
- B. Do not require other verification when striker status can be documented through the newspapers and other media coverage

## **CASE MANAGEMENT TIPS**

- A. Deny the case on the 30<sup>th</sup> day when an applicant reports participation in a strike. If denied earlier, you may need to re-screen the original application date if the strike ends during that period
- B. When the case manager is aware of a strike through the media that has not been reported by customers working at the site, treat that knowledge like any other community report
  - 1. Contact the customer to clarify their situation
  - 2. Initiate adverse action if the customer does not respond

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## EXAMPLES - CUSTOMERS

Example 1. Mrs. Jones receives TCA for herself and her three children. She is not work exempt and is employed part - time at Baby Industries. On May 14, she reports that she is on strike and the case manager sends **NOAA** to close the case. On May 30, Mrs. Jones reports that the strike ended the previous day.

- Rescind the case closing (reinstate) for June since Mrs. Jones was not on strike on May 31
- If the case closes in error, reopen without requiring a new application, using the 1<sup>st</sup> of the month as the application date – fully document the reason for the reopening on CARES

Example 2. Mr. Smith reports on June 26 that he went on strike June 25. The adverse action notice is sent on June 27. Mr. Smith returns to the local department on July 15 to report that the strike ended and he is back at work.

- Rescind the case closing for August by reinstating the case before the end of July
- No overpayment occurred because June 30 was within the adverse action period and Mr. Smith was not on strike on July 31

Example 3. Mrs. Johnson went on strike on July 17, but did not report the change until September 28. Adverse action was sent on September 29 and expires on October 6<sup>th</sup>. On October 14 she reported the end of the strike and her return to work.

- Rescind the November case closing by reinstating the case before the end of October
- Calculate the overpayment for September which is the first month the case could have been closed if Mrs. Johnson had reported the change within 10 days of the beginning of the strike
- Calculate the overpayment for October using October 14 as the date of application
  - a. Mrs. Johnson is not a striker in October because she returned to work before the end of the month
  - b. If she had reported the strike timely, the case would have closed effective September 1<sup>st</sup> and when she reapplied, the initial payment would be prorated because the case should have been closed for more than one month

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Example 4. Mrs. Windsor receives TCA for herself, her son Bobby and her nephews Roger and Stanley. She reported on May 13 that she is on strike. The strike began May 4 and she received her last paycheck on May 12. The strike ended on September 10. Mrs. Windsor returned that day with proof of her return to work and her projected wages.

- Mrs. Windsor and her son Bobby are ineligible effective June 1 because Mrs. Windsor is a striker. She and Bobby are removed from the assistance unit.
- Roger and Stanley remain eligible during the strike. It is a child only case with Mrs. Windsor as the caretaker relative payee only.
- When the strike ends, add Mrs. Windsor and Bobby back into the grant effective October, using all countable income.

## **EXAMPLES – APPLICANTS**

Example 5. Mrs. Grant applied on March 15 because she is on strike. On March 26 she reported that the strike ended, but the union lost and workers are only working part-time so her income is drastically reduced.

- Since Mrs. Grant is not on strike on March 31, process her application using the March 15 application date and prorate the initial benefit

Example 6. Mr. Landers applied on January 15 because he is on strike. On February 12 he reported that the strike ended, but he still needs assistance.

- Deny the case for January because Mr. Landers was on strike on January 31
- He is eligible for the entire month of February based on income received in the month because he is not on strike on February 28 (the last day of the month)

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Example 7. Mrs. Green applied on April 17 because she is on strike. She was told to return with proof when the strike was over. The case was denied on May 18 for failure to bring the needed verification. On May 19 she returned to report that the strike is over and she returned to work that day.

- Require Mrs. Green to file a new application because she did not report the end of the strike within 30 days of filing the original application
- If Mrs. Green files again on May 19 and is eligible, authorize a grant for May, prorated from May 19, using her earned income

Example 8. Mr. Boyd's union went on strike June 20. He applied for assistance for himself and his two children on June 25 and was informed that he was not eligible while on strike. Mr. Boyd returned to the local department on August 5 with proof that the company had hired new employees and he no longer has a job.

- Mr. Boyd and his children are eligible, based on the August 5 application because Mr. Boyd is now locked out of the job.

Example 9. Mrs. Smith applied for TCA on July 10 because she went on strike. She has never been on TCA before. Mrs. Smith has a 6-month-old baby.

- Do not apply the striker rules because Mrs. Smith is exempt as the caretaker of a child under one year old

## **ADDITIONAL INFORMATION**

- Interim Changes – Interim Changes
- Family Investment Program Components - State Funded TCA Programs
- Adverse Action – Adverse/Timely Action
- Assistance Unit – Basic Unit Requirements
- Application – Payment Date